

October 23, 2023

To Whom It May Concern:

Enclosed please find our Request for Qualifications for Professional Services.

This service is to begin January 1, 2024, and continue through December 31, 2024.

The Cumberland County Utilities Authority is currently seeking proposals for Professional Services – Sealed Proposals for Various Professional Services for the Cumberland County Utilities Authority will be received at 10:00 a.m. on Tuesday, November 28, 2023, at which time the proposals will be publicly opened and read aloud at the Cumberland County Utilities Authority Administration Building located at 333 Water Street, Bridgeton, New Jersey 08302. Proposals will not be accepted after the specified time indicated. **Proposals must be submitted in a sealed envelope addressed to Robert Carlson, Executive Director, at the Cumberland County Utilities Authority Administration Building located at 333 Water Street, Bridgeton, New Jersey.** These services are exempt from formal bidding in accordance with N.J.S.A. 40A:11-5. This request for proposals is being solicited through a fair and open process in accordance with the requirements of N.J.S.A. 19:44A-20.4 et seq.

Thank you for your interest.

Sincerely,

Robert Carlson
Executive Director

CUMBERLAND COUNTY UTILITIES AUTHORITY

**FAIR AND OPEN PROCESS
N.J.S.A. 19:44A-20.4 ET SEQ.**



**REQUEST FOR QUALIFICATIONS
2024**

AUTHORITY CONFLICT ENGINEER
RFQ #2024-02

CUMBERLAND COUNTY UTILITIES AUTHORITY
NOTICE OF SOLICITATION
Request for Qualifications for Professional Services

Authority Conflict Engineer

Notice is hereby given that pursuant to the provisions of N.J.S.A. 19:44A-20, New Jersey Pay to Play, and other legislative enactments, more specifically Chapter 271 of the laws of the State of New Jersey, the Cumberland County Utilities Authority located at 333 Water Street, Bridgeton, New Jersey 08302, is seeking RFQ's for professional services to be provided to the Authority as listed below for the period of January 1, 2024 to December 31, 2024. This service is excepted from formal bidding in accordance with N.J.S.A. 40A:11-5.

Scope of Services

The Scope of Services required under this Request for Qualifications includes the serving as the Authority's Conflict Engineer providing professional engineering services relating thereto from January 1, 2024 to December 31, 2024.

Other Specialized Services

The selected Professional will be expected to provide specialized professional services to the Authority during the entire year on an as needed basis. Various issues arise during the normal course of business involving the need for professional services on matters that will require guidance and advice from the aforesaid professional. Because such services, at times, represent emergency situations, the professional will be expected to return a phone call to the Authority on the same day. The professional will also be expected to be available to provide advice to the Authority during non-business hours including the attendance at meetings when requested.

Minimum Qualifications

The firm shall have two or more licensed professionals on staff whose major focus and work has been and remains providing professional services to and advising public entities. The firm shall have at least ten (10) years' experience in representing public entities. The firm shall designate one professional within the firm, who will be assigned to represent the interest of the Authority. This individual shall have been admitted and/or licensed in his/her profession in the state of New Jersey and be in good standing. The firm and individuals assigned to work with the Authority shall be well versed in all aspects of the Authority's operations. The firm must maintain a current principal office within the Tri-county area.

Submission

Proposing firms shall provide evidence that all minimum qualifications are met.

The response to this Request for Qualifications (RFQ) shall also discuss and provide the following:

- Names and roles of the individuals who will perform the task and a description of their experience with projects similar to the matter being advertised.
- References and record of success.

- Description of ability to provide the services in a timely fashion (including staffing, familiarity, and location of key staff).
- Cost details, including the hourly rates of each of the individuals who will perform services.
- Resumes for the professionals to be assigned to work on Authority matters shall be identified.
- A list delineating the number and types of public clients served shall also be presented.
- Names of references of at least three (3) public sector employers shall be provided for this individual.
- A narrative statement of the professionals understanding of the needs and goals of the Authority.

Evaluation of Proposals

The Authority intends to award a professional services contract for the defined scope of work under the Fair and Open Process in accordance with N.J.S.A. 19:44A-20.4 et. seq.

The proposals will be evaluated by a committee of staff and Board Members of the Authority based upon information supplied by each Proposer in response to this RFQ and the following criteria:

- Ability to meet all minimum qualifications.
- Overall knowledge and familiarity with the operations of the Authority.
- Experience of the firm in providing similar services to other public bodies, with special emphasis on experience in New Jersey.
- Qualifications and experience of the professional.
- Qualifications and experience of the other members of the professional's firm.
- The hourly rates proposed. The proposal shall identify whether clerical and other overhead costs will be billed separately or included in the hourly labor rate for the attorneys.

Proposals will be evaluated by the Authority on the basis of which is the most advantageous, all relevant factors considered equally.

Any questions regarding this Request for Qualifications should be directed to Robert Carlson, Executive Director of the Cumberland County Utilities Authority.

Please submit two (2) copies of the proposal to:

**Cumberland County Utilities Authority
333 Water Street
Bridgeton, New Jersey 08302
Attn: Robert Carlson, Executive Director**

All proposals must be received at the Authority's Administrative Office by 10:00 AM, Tuesday, November 28, 2023, at which time they will be publicly opened. All proposals shall be sealed and marked on the outside "Proposal for Authority Conflict Engineer".

Insurance

Applicable insurance certificates must be furnished by the successful contractor naming the Cumberland County Utilities Authority as additionally insured and certificate holder, prior to commencement of work. Insurance shall include professional liability.

P.L. 1975 c.127 (N.J.A.C.17:27)

Mandatory Affirmative Action Language

During the performance of this contract, the contractor agrees to comply with all the requirements of N.J.S.A. 10:5-31 et seq and N.J.A.C. 17:27 in accordance with attached Exhibit A.

Each contractor shall submit to the Cumberland County Utilities Authority after notification of award but prior to execution of contract, one of the following documents:

1. A photocopy of a valid letter that the contractor is operating under a Federally approved or sanctioned affirmative action program; or
2. A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4; or
3. A photocopy of an Employee Report (Form AA302) completed by the contractor in accordance with N.J.A.C. 17:27-4 (goods, service, professional contracts)

New Jersey Business Registration Requirements

In accordance with P.L. 2004 c.57, bidder should provide with their proposal a Business Registration Certificate issued by the State of New Jersey. Please note that having provided this form to the Cumberland County Utilities Authority previously does NOT exempt you from providing this form with this proposal.

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that knowingly provide goods or perform services for a contractor fulfilling this contract:

1. The contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
2. prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors and suppliers or attest that none was used; and
3. during the term of this contract, the contractor and its affiliates shall collect and remit, to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A.54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not provided or maintained under a contract with a contracting agency. Information on the law and its requirements are available by calling 609-292-9292.

Purchase Order Requirements

No work shall be performed, services rendered, or material provided by the successful bidder unless a proper purchase order has been issued by the Cumberland County Utilities Authority in accordance with the Authority's "Purchase Procedure".

Requests for payment of material or services delivered shall be made with copies of supplier's invoices attached which shall specify the quantity, description, unit and extended prices of each item delivered. Payments shall not be provided on a frequency less than a monthly basis after services are rendered and invoices are timely submitted for review and processing.

Form of Contract

The successful contractor shall provide to the Cumberland County Utilities Authority contract documents in a form acceptable to the Authority. Contract documents shall include the following language and submissions:

Mandatory Language:

- * "It is hereby agreed that (*name of professional*) will not undertake the performance and/or provide services which exceed designated Purchase Orders for those services without the express written authorization of the Authority."
- * "This contract has been awarded consistent with the requirements of N.J.S.A. 19:44A-a20.4 et seq."
- * Affirmative Action Language represented in enclosure Exhibit A

Required Documentation:

- * Rate schedule in accordance with proposal and award;
- * Proof of professional liability and error/omissions insurance coverage naming the Cumberland County Utilities Authority as an additional insured;
- * Proof that you are authorized or licensed to practice the particular profession to which you were appointed; and
- * **ONE** of the following three documents prior to execution of your contract:
 1. Letter of Federal Affirmative Action Plan Approval
 2. Certificate of Employee Information Report
 3. Employee Information Report Form AA302

Disclosure of Contributions

Starting in January 2007, all business entities are advised of their responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 if they receive contracts in excess of \$50,000 from public entities in a calendar year. Business entities are responsible for determining if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

EXHIBIT A

P.L. 1975, C. 127 (N.J.A.C. 17:27) MANDATORY AFFIRMATIVE ACTION LANGUAGE

PROCUREMENT, PROFESSIONAL AND SERVICE CONTRACT

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agree to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, C. 1267, as amended and supplemented from time to time.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

- Letter of Federal Affirmative Action Plan Approval
- Certificate of Employee Information Report
- Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).

I have read the above and agree to comply with its content.

Signature

Date

Type or Print Name

STATEMENT OF OWNERSHIP
(OWNERSHIP DISCLOSURE CERTIFICATION)

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

**This Statement Shall Be Included with
All Bid and Proposal Submissions**

Name of Business: _____

Address of Business: _____

Name of person completing this form: _____

N.J.S.A. 52:25-24.2:

"No corporation, partnership, or limited liability company shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the bid or proposal, or accompanying the bid or proposal of said corporation, said partnership, or said limited liability company there is submitted a statement setting forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be.

If one or more such stockholder or partner or member is itself a corporation or partnership or limited liability company, the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member, exceeding the 10 percent ownership criteria established in this act, has been listed.

To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest."

The Attorney General has advised that the provisions of N.J.S.A. 52:25-24.2, which refer to corporations and partnerships, apply to limited partnerships, limited liability partnerships, and Subchapter S corporations.

This Ownership Disclosure Certification form shall be completed, signed, and notarized.

Failure of the bidder/proposer to submit the required information is cause for automatic rejection of the bid or proposal

Part I

Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, sign and notarize at the end)
- Non-Profit Corporation (skip Parts II and III, sign and notarize at the end)
- Partnership Limited Partnership Limited Liability Partnership
- Limited Liability Company
- For-profit Corporation (including Subchapters C and S or Professional Corporation)
- Other (be specific): _____

Part II

- I certify that the list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be.

OR

- I certify that no one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or that no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be.

Sign and notarize the form below, and, if necessary, complete the list below. (Please attach additional sheets if more space is needed):

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Part III - Any Direct or Indirect Parent Entity Which is Publicly Traded:

“To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest.”

Pages attached with name and address of each publicly traded entity as well as the name and address of each person that holds a 10 percent or greater beneficial interest.

OR

Submit here the links to the Websites (URLs) containing the last annual filings with _____ the federal Securities and Exchange Commission or the foreign equivalent.

AND

Submit here the relevant page numbers of the filings containing the information on each person holding a 10 percent or greater beneficial interest.

Subscribed and sworn before me this ____ day of _____, 2 _____.

(Notary Public)

My Commission expires:

(Affiant)

(Print name of affiant and title if applicable)

(Corporate Seal if a Corporation)

CONTINUED ON NEXT PAGE

A. Name of Business Owning 10% or more of Bidder

B. Type of Business Yes No

- | | | | |
|--------------------|-------|-------|-------|
| 1. Individual | _____ | _____ | |
| 2. Partnership | _____ | _____ | |
| 3. Corporation | _____ | _____ | |
| 4. Other (Specify) | _____ | _____ | _____ |

C. NAME OF BUSINESS OWNERS ADDRESS % STOCK OWNED

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The bidder shall complete additional disclosure sheets as necessary to provide disclosures at all levels

Person Completing Form _____

Official Position _____

Date _____

Signature _____

NOTE: NO BID WILL BE AWARDED UNLESS THE ABOVE STATUTE IS COMPLIED WITH.

COUNTY OF CUMBERLAND
NEW JERSEY
NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY

SS:

COUNTY OF _____

I, _____ of the City of _____
(Partnership, Corporation, Individual)

in the County of _____ and the State of _____

of full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____

_____, the bidder making the Proposal for the above named Project, and that I executed the said Proposal with full authority so to do; that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in connection with the above named project; and that all statements contained in said Proposal and in this Affidavit are true and correct, and made with full knowledge that the State of New Jersey relies upon the truth of the statements contained in said Proposal and in the Statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

(Name of Contractor) (N.J.S.A. 52:34-15)

Subscribed and Sworn to _____

before me this _____ day of

_____, 20 _____

(also type or print name of affiant under signature)

Notary Public of _____

My Commission expires _____ 20 _____